

# **PLANNING BOARD MINUTES**

**MAY 29, 2014**

**Town Council Chambers, 350 East Main Rd., Middletown, RI**

**Board members present:**

**Gladys Lavine, Chair**

**Pete Marnane, Vice Chair   Ron Wolanski, Planning Director**

**Betty Jane Owen, Secretary   Russ Jackson, Assistant Town Solicitor**

**Matthew Sullivan**

**John Ciummo**

**Arthur Weber**

**Charlene Rose-Cirillo**

**The meeting was called to order by Ms. Lavine at 6:00pm.**

**1. Public Hearing – Peter Gallipeau, Proposed 12 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lot 4, Request for combined Preliminary & Final Plan approval.**

**The Board opened the public hearing and invited the applicant to provide a presentation of the proposed plan.**

**Attorney David Martland represented the applicant. He described the process that the application has gone through. Because of the denial of a special use permit application for development in the watershed protection district the number of lots was reduced from 14 to 12. The current revised plan set has been reviewed by RIDEM and a wetlands**

insignificant alteration permit has been granted. He discussed the waivers that were granted by the Planning Board at the master plan stage.

Mr. Martland introduced the applicant's engineer, Geralyn Small of Northeast Engineers and Consultants.

Ms. Small described her qualifications. She reviewed the existing conditions of the subject property. She noted that the master plan included 14 lots. Two lots were eliminated due to the need for a special use permit for the Watershed Protection District, which was not granted. One lot was incorporated into the open space and one lot, which would have contained the existing garage, was merge into the lot containing the existing house. She discussed the storm water treatment system, indicating that the system is designed to treat runoff from the roads and all lots in the development. It has been reviewed and approved by RIDEM and the town's consulting engineer. The system is oversized as a result of the reduction from 14 to 12 lots. There will be a reduction in storm water flows reaching Bailey Ave., and an overall reduction of peak runoff flow rate from the property. Ms. Small stated that the plan provides for public water and sewer, including making these utilities available to abutting properties.

Mr. Martland asked if there were environment constraints that would restrict development of the proposed lots. Ms. Small stated that there were not.

Mr. Martland described the waivers that are being requested, including the road construction requirements, including the lack of

subdrains. The town has approved the plan to use geo grid to provide adequate road stability without the need for sub drains, which are not necessary and would add to surface runoff.

Mr. Martland noted that the drainage system was designed based on assumed building footprint of 2,500 square feet for each lot. He suggested that this could be added as a condition of approval.

In response to a question from Ms. Owen, Mr. Martland noted that the open space would be retained and maintained by the homeowners association. Use of the open space would be restricted to the uses allowed in the zoning ordinance. Some Planning Board members indicated that they would not like to see active recreational uses, such as pools, tennis courts, and basket ball courts developed in the open space.

Mr. Wolanski suggested that the open space management plan could be revised by the applicant and submitted for Planning Board consideration.

Mr. Martland indicated that he had concluded the portion of his presentation regarding engineering design. Attorney Vernon Gorton, representing the Paradise Valley Neighborhood Association, requested an opportunity to cross-examine Ms. Small.

Mr. Weber stated that he believes that the applicant has complied with the town\'s wishes by submitting a conservation subdivision design.

Mr. Gorton provided a list of his clients (marked as exhibit #1 for the public hearing).

Mr. Gorton directed questions regarding the storm drainage design to

**Ms. Small. He asked about the existing condition of the drainage under Cross Country Lane near the intersection of Paradise Ave. and the need for two 18\" culverts.**

**Ms. Small stated that two 18\" culverts are proposed in order to provide sufficient capacity.**

**Mr. Gorton asked Ms. Small if there would be an increase in peak runoff rate at the culvert. Ms. Small stated that there would be an increase of one cubic foot per second at that location.**

**Mr. Gorton asked if the capacity of downstream drainage structures had been evaluated. Ms. Small stated that downstream capacity had not been analyzed.**

**Mr. Gorton directed Ms. Small to sheets D-1 and P-3 of the plan set. He indicated that the proposed grading shown for the road profile is not reflected on the cross section of Cross Country Lane. He questioned whether the drainage swale design indicated on the cross section could be accommodated within the road right of way given the proposed grading plan.**

**Ms. Small stated that the cross section provided in the plan set is a typical cross section and that additional cross sections were produced that indicate that the proposed improvements can be accommodated in the right of way.**

**Mr. Gorton noted that such cross sections have not been provided to the Planning Board.**

**Mr. Gorton asked if the proposed twin 18\" culverts depicted on drawing P-3 are drawn to scale.**

**Ms. Small indicated that the drawing may need to be revised.**

**Mr. Gorton provided a sketch (marked as exhibit #2) which he stated shows an 18\" pipe drawn to scale on the road profile. He questioned the accuracy of the plan submitted to the Planning Board. Since the pipes are not shown accurately on the profile, he questioned whether adequate cover for the culverts is provided. He questioned whether the culvert design, with limited cover, would impact the durability of the road given the fill material on either side of the culverts.**

**Ms. Small stated that the plans may need to be revised to address the culvert design. If installed properly, including proper compaction, road durability should not be impacted.**

**Mr. Gorton, again referring to sheet P-3, stated that the grade of Cross Country Lane near the intersection with Paradise Ave. exceeds 4%. He stated that town regulations limit such grade to 2%. He question safety and impact on emergency vehicle access.**

**Ms. Small stated that the proposed grade is acceptable.**

**Mr. Gorton questioned the elevation of the sewer main connection at Paradise Ave., and its impact on the slope of the proposed sewer line in Cross Country Lane.**

**Ms. Small stated that the depth of the sewer main had not been confirmed in the field, but the assumption is that the main is at a depth consistent with current standards.**

**Mr. Gorton asked Ms. Small to confirm that, regarding the two lots eliminated since master plan approval due to the denial of the special use permit for the Watershed Protection District, one was merged into the open space, and one was merged with another building lot.**

**Ms. Small confirmed that that was the case.**

**Mr. Gorton asked Ms. Small to confirm that the right-of-way for the proposed new road directly abuts adjacent properties.**

**Ms. Small confirmed that it does.**

**Mr. Gorton indicated that he had no further questions.**

**Mr. Martland stated that he would like to ask Ms. Small additional questions following a Planning Board break.**

**The Planning Board took a ten minute recess.**

**Upon reconvening Ms. Lavine stated that the Board intends to end the meeting for the evening at 9pm. She invited any members of the public wishing to speak to address the Board if they wish, or they could choose to wait until the next meeting.**

**Dick Neidich, 7 Sachuest Drive, stated that he was representing other residents of Sachuest Drive including Mary and Earle Trickey of 1 Sachuest Drive, Dick Boreri of 3 Sachuest Drive, Jennifer and Stephen Lax of 5 Sachuest Drive and Mary and Marty Medeiros of 12 Sachuest Drive. He read from a prepared statement (exhibit #6). He stated concern over the lack of a buffer between the proposed development and abutting properties. He stated that the zoning ordinance requires a buffer, and that the applicant had submitted a plan which proposed a buffer, but that plan was rejected by the town planner. He cited testimony given by the applicant's engineer to the zoning board of review indicating that the town planner rejected the buffer. Mr. Neidich stated that the town planner acted beyond his authority and in secret when he rejected the buffer. He presented a map and photos (exhibits #3, #4, #5) to illustrate his claim of adverse impact of the proposed development on the abutters. He stated that**

the abutters are not interested on access to public utilities, which the proposed location of the new road would provide.

Mr. Wolanski stated that he agreed with Mr. Neidich's statement that the town planner does not have the authority to reject a plan presented by an applicant, but that did not happen in this case. He requested that any allegations of improper conduct be brought to the town administrator. He advised the board that an early plan had included a 10' wide strip of land separating the proposed new road right of way from the abutting lots. It did not provide a vegetated buffer. The strip was removed in order to allow for abutting lots to connect to public utilities that will be installed in the proposed road.

Sam Howell, a resident of Sachuest Way, stated that he is in favor of the concept of conservation subdivisions, but only on larger parcels. He stated that the town's current ordinance is not working. He stated that he had looked for potential buyers for the subject property, and the Aquidneck Land Trust should be involved with attempts to preserve the property. He expressed concern over the length of time and the number of continuances that have occurred during the review of this application. He requested that the board deny the application.

Pam Heroux, 65 Bailey Ave., stated that she is a direct abutter, but she did not receive notice of the hearing. She stated that she wants to ensure that her property is protected and is concerned about potential flooding. She has reviewed the plans but does not have a full understanding of the potential impact on her property. She presented photos to the Planning Board showing flooding conditions on her property (copies were not provided to the town planner).

**Mr. Wolanski stated that the applicant is responsible for providing the list abutters, which must include the mailing addresses maintained by the tax assessor. He advised Ms. Heroux to check with the assessor to ensure he has the proper mailing address.**

**Jay Peckham, 236 Paradise Ave., stated that he was concerned about drainage in the area of his property. There are poor soils in the area, and the proposed development could make matters worse. He noted that the town should be making efforts to improve the drainage infrastructure.**

**Mr. Martland stated, in response to comments made by Mr. Neidich, that prior to his application Mr. Gallipeau had sent letters to some of the direct abutters seeking feedback on design options, particularly regarding the potential location on the new road. Limited response was received.**

**Motion by Ms. Owen, seconded by Mr. Marnane, to continue the matter, leaving the public hearing open, to the Planning Board's regular meeting on June 11, 2014, 6pm. Vote: 7-0-0.**

**2. Consideration of application - Peter Gallipeau, Proposed 12 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lot 4, Request for combined Preliminary & Final Plan approval.**

**Continued to the Planning Board's regular meeting on June 11, 2014.**

**Motion to adjourn by Mr. Marnane, seconded by Ms. Owen. Vote: 7-0-0.**

**Meeting adjourned at 9:00 pm.**



**Respectfully submitted:**

**Ronald Wolanski**

**Planning Director**